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Counsel for Defendants

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

NATURAL SELECTION FOODS LLC )  
d/b/a EARTHBOUND FARM, a )  
California limited liability company, )  
Plaintiff, )  
vs. )  
FURY, INC. d/b/a CITY PRODUCE a )  
California corporation, ROBERT GARSHA, )  
an individual, )  
Defendants. )

Case No. C 07 02886 RS

**NOTICE OF PENDENCY OF OTHER  
ACTION OR PROCEEDING**

[Local Rule 3-13]

Pursuant to Civil L.R. 3-16, the undersigned certifies as follows:

(A). The following pending action, at least to the extent of any claim upon the personal assets of defendant Robert Garsha, involves, or may involve a material part of the same subject matter contained in the action presently pending in the United States District Court, Southern District of New York, in Case No. 07-CV898 (RCC) entitled "GER-NIS International, LLC vs. FJB, Inc., dba Empire Produce and Robert T. Garsha"

1 (B). Plaintiff in this present action, Natural Selection Foods, LLC, is not a party in the New  
2 York action, and neither coordination nor transfer would be appropriate.

3 (C.) Not applicable.  
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6 Dated: July 2, 2007

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9 /s/ Joseph Choate, Jr.

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18 Counsel for Defendants  
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